

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Rule 795-1-1-.11, Public Records

INTENDED ACTION: The Alabama Board of Rehabilitation Services proposes to amend Rule No. 795-1-1-.11.

SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Rehabilitation Services proposes to amend rule to conform with the Governor's Executive Order No. 734.

A copy of the proposed amended rule is available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

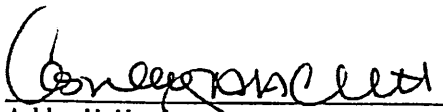
Ashley H. Hamlett
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than 15 days before the next regularly scheduled Board meeting on June 22, 2023, to wit: not later than June 6, 2023. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 6, 2023

CONTACT PERSON AT AGENCY:

Ashley H. Hamlett
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187


Ashley H. Hamlett
Alabama Board of Rehabilitation Services

Public Records.

(1) To the extent not otherwise defined within department rules and regulations, or otherwise by law, the following definitions shall apply:

(a) “Public records” for the purpose of these rules means all Board or department records which are reasonably necessary to record the business and activities required to be done or carried on by the Board and department ~~that the status and condition of such business and activities can be known to the public.~~ Records which do not constitute “public records” include, but are not necessarily limited to, those received by a public officer in confidence, sensitive personnel records, applicant, client and patient records, complaints against persons deemed licensees of the department (e.g., blind vendors licensed by the department to participate in the Business Enterprise Program), pending criminal and quasi-criminal investigations and records, those matters ~~entitled to statutory or common-law privilege, protected by statute, case law, or administrative rule,~~ and records the disclosure of which would be detrimental to the best interests of the public. All questions regarding classification of a document as public or confidential should be referred to the Legal Office.

(b) A “standard request” is a public-records request that requires no or minimal clarification from the requestor and seeks one or more specifically and discretely identified public records that the department determines will take less than eight (8) hours of staff time to process considering the time needed to identify and retrieve the records, and to redact legally protected information.

(c) A “time-intensive request” is a public-records request the department determines will take more than eight (8) hours of staff time to process. Factors include, but are not limited to, a request that is vague or overly broad, a large volume of responsive records, and the amount of redaction required in order to withhold legally protected information.

(2) ~~Specific-~~Public records are available for inspection at Board headquarters during regular business hours upon reasonable notice to the department and upon such terms and conditions so as not to disrupt the orderly conduct of the department’s affairs.

(3) Any person who desires to inspect or obtain copies of ~~specific-~~public records may forward a request to the Commissioner or Public-Records Coordinator, either electronically by email to public.records@rehab.alabama.gov or by completing the Public Records Request Form located on the public records webpage of the department’s website. Requests can also be made by mail, or in person, pursuant to the provisions of the Alabama Open Records Act, Ala. Code § 36-12-40, and, subject to their availability, will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time in the discretion of the Commissioner or by resolution of the Board.

(a) The department will send a written acknowledgment of receipt within two business days of receiving a request for public records. The acknowledgment will include an estimate of fees, if applicable. Responses to standard requests will be provided within fifteen (15) business days of acknowledging receipt. The department may extend this period in fifteen (15)-business day increments upon written notice to the requestor if it determines additional time is required.

(b) Requestors will be notified within fifteen (15) business days after acknowledgment of receipt of a public records request if the department determines the request time-intensive. The notification will include an estimate of fees the department will charge and the mandatory Public Records Request Form required for time-intensive requests. Upon receiving notice that a request has been deemed time-intensive and of the fees that will be charged for processing, a requestor will have the opportunity to withdraw the original request and submit a new request narrowing the scope of the records sought. Should the requestor decide to proceed with the original public records request, the department will provide the requested records or deny the request within forty-five (45) business days after receiving notice of the requestor's decision, the completed Public Records Request Form, and payment of fees. The department may extend this period in forty-five (45)-business day increments upon written notice to the requestor.

(c) Copies of records will be provided at a cost of \$20 per hour for time spent locating, retrieving, and preparing records for production. There will be a standard \$20 minimum fee. Hard copies will be provided for an additional \$.50 per-page fee. There will be no per-page fee for documents produced electronically. Reimbursement for actual costs incurred in processing (e.g., flash drives, DVD's, search of electronic databases, including servers, etc.) will be sought. The requestor will be notified in advance of being charged.

Author: Alabama Board of Rehabilitation Services

Statutory Authority: Code of Ala. 1975, §§ 21-9-9, 41-22-4.

History: ~~New Rule: Original rule Filed: April 13, 1995; effective May 18, 1995.~~

Repealed and New Rule: Published June 30, 2021; effective August 14, 2021. **Amended:** Filed April 14, 2023; effective _____.